

# Exhibit E

## Chida, Zohaib

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**From:** Moskowitz, Elliot  
**Sent:** Thursday, January 26, 2023 1:45 PM  
**To:** Haverstick, Rebecca W.; Owen, Brent R.; Kinel, Norman N.  
**Cc:** Resnick, Brian M.; McRoberts, Travis; Chida, Zohaib; Saney, Michelle N.  
**Subject:** RE: Conferral on Discovery and Extension of the Challenge Period

Rebecca, I see that you filed your motion to compel and I am really confused. I am not aware of a discovery dispute between the UCC and the First Lien Agent. Can you please explain the basis for this motion to compel as to the First Lien Agent? If it is just precautionary in case a dispute later arises, don't you have an obligation to explain that to the Court? I am genuinely confused and would appreciate an explanation.

Thanks,  
Elliot

### Elliot Moskowitz

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**From:** Moskowitz, Elliot <[elliott.moskowitz@davispolk.com](mailto:elliott.moskowitz@davispolk.com)>  
**Sent:** Thursday, January 26, 2023 4:43 AM  
**To:** Haverstick, Rebecca W. <[rebecca.haverstick@squirepb.com](mailto:rebecca.haverstick@squirepb.com)>; Owen, Brent R. <[brent.owen@squirepb.com](mailto:brent.owen@squirepb.com)>; Kinel, Norman N. <[norman.kinel@squirepb.com](mailto:norman.kinel@squirepb.com)>  
**Cc:** Resnick, Brian M. <[brian.resnick@davispolk.com](mailto:brian.resnick@davispolk.com)>; McRoberts, Travis <[travis.mcroberts@squirepb.com](mailto:travis.mcroberts@squirepb.com)>; Chida, Zohaib <[zohaib.chida@davispolk.com](mailto:zohaib.chida@davispolk.com)>; Saney, Michelle N. <[michelle.saney@squirepb.com](mailto:michelle.saney@squirepb.com)>  
**Subject:** RE: Conferral on Discovery and Extension of the Challenge Period

We are fine with providing written responses. As for a "certification," I am not sure what you mean. I am certainly happy to formally confirm via letter when our production is complete. Did you have in mind something else? Regarding a deposition, I assume you are referring to a 30(b)(6) – can you please send over topics so we may consider?

I understand your point about the challenge period and will revert as soon as possible, hopefully today. If you have to proceed with your motion so be it but there should be no basis for a discovery-related motion to compel as to the agent as I am not aware of any discovery disputes between us. Please let me know if I am mistaken and we can confer further.

Thanks,  
Elliot

**Elliot Moskowitz**

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**From:** Haverstick, Rebecca W. <[rebecca.haverstick@squirepb.com](mailto:rebecca.haverstick@squirepb.com)>

**Sent:** Wednesday, January 25, 2023 10:53 PM

**To:** Moskowitz, Elliot <[elliott.moskowitz@davispolk.com](mailto:elliott.moskowitz@davispolk.com)>; Owen, Brent R. <[brent.owen@squirepb.com](mailto:brent.owen@squirepb.com)>; Kinel, Norman N. <[norman.kinel@squirepb.com](mailto:norman.kinel@squirepb.com)>

**Cc:** Resnick, Brian M. <[brian.resnick@davispolk.com](mailto:brian.resnick@davispolk.com)>; McRoberts, Travis <[travis.mcroberts@squirepb.com](mailto:travis.mcroberts@squirepb.com)>; Chida, Zohaib <[zohaib.chida@davispolk.com](mailto:zohaib.chida@davispolk.com)>; Saney, Michelle N. <[michelle.saney@squirepb.com](mailto:michelle.saney@squirepb.com)>

**Subject:** RE: Conferral on Discovery and Extension of the Challenge Period

Elliot:

The critical issue that is the subject of the Committee's request is the extension of the Challenge Period. Your email below does not provide an indication as to when a response will be forthcoming. Given the history of delay and the upcoming deadline, we will proceed to file our motion to compel and for an extension of the Challenge Period if we do not hear by noon ET tomorrow (Thursday) on that subject.

With regard to the rest of your email, please note that we have specifically asked in item (1) for a written response to the document requests and a certification of production. Your email does not address that point and we would appreciate a response. We are amenable to a categorical privilege log, with the understanding and agreement that the Committee may seek to follow up regarding specific privilege issues or specific documents in question and ask for a more detailed log on those points. That is how we have been proceeding with the Debtors. We do expect to take the deposition of the agent and we need your agreement in that regard.

Regards,



**Rebecca W. Haverstick**

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**From:** Moskowitz, Elliot <[elliott.moskowitz@davispolk.com](mailto:elliott.moskowitz@davispolk.com)>

**Sent:** Wednesday, January 25, 2023 7:32 PM

**To:** Owen, Brent R. <[brent.owen@squirepb.com](mailto:brent.owen@squirepb.com)>; Haverstick, Rebecca W. <[rebecca.haverstick@squirepb.com](mailto:rebecca.haverstick@squirepb.com)>; Kinel, Norman N. <[norman.kinel@squirepb.com](mailto:norman.kinel@squirepb.com)>

**Cc:** Resnick, Brian M. <[brian.resnick@davispolk.com](mailto:brian.resnick@davispolk.com)>; McRoberts, Travis <[travis.mcroberts@squirepb.com](mailto:travis.mcroberts@squirepb.com)>; Chida, Zohaib <[zohaib.chida@davispolk.com](mailto:zohaib.chida@davispolk.com)>; Saney, Michelle N. <[michelle.saney@squirepb.com](mailto:michelle.saney@squirepb.com)>

**Subject:** [EXT] RE: Conferral on Discovery and Extension of the Challenge Period

Brent, thanks for your email. I am still consulting with my client but can offer the following response in the meanwhile.

- We will complete our production based on the previously agreed parameters and will advise you when our production is complete (note that we are still forecasting completion on or around 1/30). We understand the Committee reserves the right to make further requests and we reserve all rights as well.
- We will produce a privilege log but it may take until slightly after our production is complete to do so because we want to cover the entire review. Would a categorical log be acceptable?
- We will await your request for a deposition and meet and confer with you thereafter. We would ask you to consider whether you need a deposition of the agent if you are already taking lender and debtor depositions.
- We will get back to you on the extension request as soon as possible. I understand you are in touch with the lender group and Debtors so it would be best if we could have a consensus among all the parties.

Thanks,  
Elliot

**Elliot Moskowitz**

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**From:** Owen, Brent R. <[brent.owen@squirepb.com](mailto:brent.owen@squirepb.com)>

**Sent:** Tuesday, January 24, 2023 8:37 PM

**To:** Moskowitz, Elliot <[elliott.moskowitz@davispolk.com](mailto:elliott.moskowitz@davispolk.com)>; Haverstick, Rebecca W. <[rebecca.haverstick@squirepb.com](mailto:rebecca.haverstick@squirepb.com)>; Kinel, Norman N. <[norman.kinel@squirepb.com](mailto:norman.kinel@squirepb.com)>

**Cc:** Resnick, Brian M. <[brian.resnick@davispolk.com](mailto:brian.resnick@davispolk.com)>; McRoberts, Travis <[travis.mcroberts@squirepb.com](mailto:travis.mcroberts@squirepb.com)>; Chida, Zohaib <[zohaib.chida@davispolk.com](mailto:zohaib.chida@davispolk.com)>; Saney, Michelle N. <[michelle.saney@squirepb.com](mailto:michelle.saney@squirepb.com)>

**Subject:** Conferral on Discovery and Extension of the Challenge Period

Elliot,

Given the Court's guidance at today's hearing, we are reaching out to confer about discovery issues and an extension of the challenge period. Please let us know your position by 2 PM tomorrow. We would prefer to avoid bothering the Court, but we are prepared to file a motion absent agreement on the issues below.

1. Complete production and written responses to discovery. The First Lien Agent will agree to produce documents responsive to all discovery requests (limited by prior agreements as to scope, search terms,

etc., but subject to the Committee requesting additional production following certification of completion of production), provide written responses to the Committee's document requests, and certify that the production has been completed (the "Completion Date").

2. Privilege Log. The First Lien Agent will provide a privilege log identifying materials withheld based on the claim of privilege by the Completion Date.
3. Deposition. The First Lien Agent will cooperate in scheduling the deposition of one or more witness(es).
4. Extension of the Challenge Period. The First Lien Agent will agree to extend the Challenge Period to thirty-days after the Completion Date.

Please let us know if you'd like to discuss.

Regards,  
Brent



**Brent R. Owen**

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